

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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THE BURLINGTON NORTHERN AND SANTA FE )  
RAILWAY COMPANY )

Petitioner, )

v. )

T 01-0028

TAMALCO TOWNSHIP, BOND COUNTY, ILLINOIS; )  
PLEASANT MOUND TOWNSHIP, BOND COUNTY, )  
ILLINOIS; BOND COUNTY. ILLINOIS; and. )  
STATE OF-ILLINOIS, DEPARTMENT OF )  
TRANSPORTATION, )

Respondents. )

**RECEIVED**  
AUG 2 2001

Illinois Commerce Commission  
RAIL SAFETY SECTION

Petition seeking a determination from )  
the Illinois Commerce Commission **whether**)  
the warning devices at the public grade )  
crossing located at the tracks of The )  
Burlington Northern and Santa Fe )  
Railway Company ("**BNSF**") and TR 247 )  
(Main Street) in Tamalco Township, )  
Bond County, Illinois, Milepost 102.33, )  
DOT No. 0693163 should be upgraded to )  
automatic flashing light signals with )  
gates and constant warning time )  
circuitry; whether the public grade )  
crossing located at the intersection of )  
the tracks of BNSF and Township Road )  
TR 238 in Tamalco Township, Bond County,, )  
Illinois, Milepost 102.21, DOT No. 069 )  
318T should be closed; and, a **connecting**)  
road constructed on the east side of )  
the tracks and right-of-way of BNSF )  
between Township Road TR 247 (Main )  
Street) and TR 238, with any such cost )  
be borne by the parties in accordance )  
with law and that a substantial portion )  
of the cost **to be** borne by the Grade )  
Crossing Protection Fund. )

And

Petition seeking a determination from )  
the Illinois Commerce Commission )  
**whether** the warning devices at the )  
public grade crossing located at the )  
tracks of BNSF and Township Road )  
TR 199 in Tsmalco Township, Bond )  
County, Milepost 98.65, DOT No. )  
069 156T should be upgraded to auto- )  
matic flashing light signals and )  
gates with constant warning time )  
circuitry; the public grade crossing )  
located at the intersection of Town- )  
ship Road TR 232 in Tamalco Township, )  
Bond County, Illinois, Milepost 98. )  
59, DOT No. 069160B should be closed: )

DOCKETED

a connecting road constructed  
on the east side of the tracks and  
right-of-way of BNSF connecting  
Township Road TR 199, Township  
Road TR 326 (Second Street) and  
TR 232a; whether the warning  
devices at the grade crossing  
located at the intersection of  
TR 326 (Second Street) and the  
tracks of BNSF, Milepost 98.31  
should be upgraded to automatic  
flashing light signals and gates;  
the public at grade crossing  
at the intersection of Township  
Road TR 232a and the tracks of  
BNSF, Milepost 98.23, DOT No.  
0691586 should be closed; and, a  
connecting road west of **BNSF's**  
track and right-of-way extending  
High Street to the north to  
Township Road TR **232a**, with  
any such costs to be borne  
by the parties in accordance  
with law and that a substantial  
portion of any such costs be  
borne by the Grade Crossing  
Protection Fund.

MOTION TO STRIKE

Now comes petitioner, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and moves the Illinois Commerce Commission for an order striking from the record the letters of exception submitted to the Illinois Commerce Commission in the above captioned cause from Frank Watson, Byron Sikma, Russ Metzger, Verna Lee Roberts, Christopher J.T. Bauer and Charles E. Eyman. In support thereof, petitioner states as follows:

1. On April 10, 2001 The Burlington Northern and Santa Fe Railway Company filed its petition in the above captioned cause.
2. On May 31, 2001, after proper notice, a hearing was held before a duly authorized Hearing Examiner of the Illinois Commerce

Commission at its offices in Springfield, Illinois. At the conclusion of the hearing the record was marked "Heard and **Taken**".

3. At time of public hearing on May 31, 2001 no appearance was entered by Frank Watson, Byron Sikma, Russ Metzger, Verna Lee Roberts, Christopher J.T. Bauer or Charles E. Eyman. Moreover, none of the aforesaid individuals presented any testimony or provided any comment at time of public hearing. As such, none of the aforesaid individuals have standing to take exception to the Hearing Examiner's proposed order or otherwise oppose the petition.

Wherefore, petitioner, The Burlington Northern and Santa Fe Railway Company prays that the Illinois Commerce Commission strike from the record any letter of exception submitted by Frank Watson, Byron Sikma, Russ Metzger, Verna Lee Roberts, Christopher J.T. Bauer and Charles E. Eyman.

KENNETH J. WYSOGLAD & ASSOCIATES

  
\_\_\_\_\_  
Michael L. Sazdanoff

Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
Attorneys for Petitioner  
The Burlington Northern and Santa Fe Railway Company  
118 S. Clinton Street, Suite 700  
Chicago, Illinois 60661  
(312) 441-0333

PROOF OF SERVICE

Michael L. Sazdanoff, deposes and says that on the 30  
day of JULY, 2001, he caused to be served, a true and  
correct copy of MOTION TO STRIKE upon:

Mr. Henry Humphries  
Railroad Section  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Mr. James C. Slifer  
Director, Division of Highways  
Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Rm. 300, Administration Building  
Springfield, Illinois 62764

by depositing same in the U.S. Mail depository located at Adams and  
Clinton Streets, Chicago, Illinois in an envelope(s) with **first-**  
class postage, prepaid.

